

## REMARKS

This amendment is in response to the Office Action dated July 14, 2003. Claims 1-71 are pending in the application.. Claims 1-4, 6, 8-12, 14-16, 18-22, 24-36, 38, 39, 41, 42, 44-58, 63, 64, 66, 68 and 70 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,301,527 ("Butland"). Further, claims 5, 23, 40, 59, 65 and 67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Butland in view of U.S. Pat. Publication No. 2002/0120723 ("Forth"). Claims 7, 13, 17, 37, 43 and 60-62 were indicated to be allowable if rewritten in independent form.

Each of the rejections from the Office Action of July 14, 2003 is discussed below in connection with the various claims. No new matter has been added. Reconsideration of the application is respectfully requested in light of the amended claims and the following remarks.

### I. REJECTIONS UNDER 35 U.S.C. § 102(e)

Independent claims 1, 30, 56, 63 and 66 were rejected pursuant to 35 U.S.C. § 102(e) as being anticipated by Butland. Applicants submit that Butland does not anticipate independent claims 1, 30, 56, 63 and 66, as this reference fails to disclose all of the elements of these claims.

Independent Claim 1, as amended, relates to an electrical power management architecture comprising a network and at least electric meter coupled with the network and *an instant message server* coupled with the electric meter and network with the electric meter operative to *autonomously generate a first instant message* to the instant message server *and receive a second instant message* from the instant message server.

Independent Claim 30, relates to an electric power management architecture. The architecture includes a network, *a presence server* and at least one electric meter coupled with the network. The electric meter is further operative to *autonomously indicate* the connection of the electric meter on the network with the presence server able to receive the *autonomous indication*.

Independent Claim 56, relates to a method of monitoring the presence of at least one intelligent electronic device ("IED") in an electrical power management architecture. The

method includes “coupling the IED with a network, the IED being characterized by presence”, “*transmitting, autonomously, the presence* of the IED on the network”, “receiving the presence of the IED at a *presence server* coupled with the network”, and “monitoring the presence of the IED”.

5       Independent Claim 63 relates to an electrical power management architecture. The architecture includes a network, a *presence server* coupled with the network and at least one IED coupled with the network. *The IED is operative to autonomously indicate* the connection of the IED on the network with the presence server operative to receive the presence indication of the IED.

10       Independent Claim 66 relates to an electrical power management architecture. The architecture includes a network, at least one IED coupled with a portion of the electrical power distribution system and further coupled with the network. The IED is further operative to implement a power management function in conjunction with the electrical power distribution system with the power management function operative respond to at least 15 one power management common and generate power management data. The IED further comprises a first network interface to couple the IED with the network and facilitate *autonomous* transmission of the power management data and receipt of at least one power management common over the network, a *security module* coupled with the network interface and operative to prevent unauthorized access to the power management data. The 20 architecture further comprises a power management application coupled with the network and operative to receive and process the power management data from the IED and generate at least one power management command to the IED to implement the power management function.

25       Butland discloses a power management system including a computer with an interface defining a first network having a network layer protocol. A gateway is connected to the first network for converting the network layer protocol to a first application layer protocol and defining a second network. A first intelligent electronic device is connected to the second network and a second intelligent electronic device is connected to the first network. A first server associated with the computer communicates with the first intelligent 30 electronic device using a first application layer protocol. A second server associated with the computer communicates with the second intelligent electronic device using a second

application layer protocol. The first and second servers processing data received from the first and second intelligent electronic devices to manage power use. *See* Butland, Col. 2, lines 9-25 and Figure 1.

**A. Independent claims 1, 30, 56, 63 and 66**

5 Butland fails to disclose that the electric power management architecture contains an instant message server or a presence server wherein the electric meter is operative to autonomously generate an instant message to the instant message sever as claimed in claims 1, 30, 56 and 63. Butland also fails to disclose an IED having a first network interface operative to facilitate autonomous transmission of power management data over a network as 10 claimed in claim 66. Butland relates generally to a power management control system that uses a gateway device to translate or proxy requests from a server communicating using a first protocol to a second protocol to communicate to an IED connected with the gateway. *See* Butland, Col. 2, lines 9-25. Specifically, Butland describes a system where a computer has software loaded including a Modbus (DDE) server 54 and proprietary protocol server 58.

15 These servers allow external programs to access power management data from the various devices 26. Specifically, the servers access the devices 26 using the Modbus protocol to communicate to a Modbus/Commnet concentrator 36. The concentrator 36 then communicates using the Commnet protocol to Commnet devices 30 connected to the concentrator 36 and creates virtual Modbus devices for every physical Commnet device 30 20 attached to networks 32. *See* Butland Col 3, lines 65- Col 4 line 10, Col 5 line 29-40.

Butland fails to disclose that the Commnet device 30 is operative to autonomously generate an instant message to an instant messaging server, autonomously indicate the presence of the device 30 to a presence server or otherwise autonomously communicate. It is well known, as well as described in Butland, that the Modbus protocol, which is an integral 25 component of the system disclosed in Butland, is a master/slave protocol. In Butland, the Modbus (DDE) server 54 is disclosed as the master device of the protocol. As further disclosed in Butland, the Commnet devices 30 are virtual slave devices to the DDE server 54. Therefore, it is impossible for these devices 30 to autonomously initiate a message to the Modbus (DDE) server 54 through the concentrator 36 as slave devices must be polled by a 30 master device before communicating with the master device. *See* Butland Col 5, lines 51-59

for a description of the Modbus protocol. The concentrator 36, in turn, acting as multiple virtual Modbus devices (on behalf of the Commnet 30 devices), can only respond to requests made to it (in this case made by the Modbus (DDE) server 54). *See* Butland Col 5, lines 51-53. As noted by the Examiner the Modbus (DDE) server 54 does return appropriate return 5 values for each request but this return value is only an indication of the success or failure of the last master initiated requests to the slave devices and is not the status of any “instant messages” or other autonomous communication from the Commnet devices 30. The concentrator 36 does not autonomously indicate to the Modbus (DDE) server 54 the status of the Commnet device 30 except by the inherent lack of a Modbus protocol response to a 10 request, such as in a failure situation. Further, while the disclosed concentrator 36 automatically configures itself by seeking any attached Commnet devices 30 for the purpose of detecting address conflicts, i.e. the concentrator 30 is responsible for scanning for new Commnet devices 30, the Commnet devices 30 do not autonomously indicate to the concentrator 36 their status or availability but must wait to be polled/scanned by the 15 concentrator 36. *See* Butland Col 5, lines 42-46. The Commnet devices 30 thus fail to autonomously indicate to a presence server their presence, nor autonomously send messages to a presence or instant message server, or otherwise autonomously communicate.

For at least these reasons, independent claims 1, 30, 56 and 63 and 66 are not anticipated by Butland. Accordingly, Applicants request that the Examiner withdraw this 20 rejection of independent claims 1, 30, 56, 63 and 66.

## **B. Dependent claims**

Dependent claims 2-4, 6, 8-12, 14-16, 18-22, 24-29, 31-36, 38, 39, 41, 42, 44-55, 57, 58, 64, 68 and 70 were also rejected pursuant to 35 U.S.C. § 102(e) as being anticipated by Butland. Dependent claims 2-4, 6, 8-12, 14-16, 18-22, 24-29, 31-36, 38, 39, 41, 42, 44-55, 25 57, 58, 64, and 68 and 70 should be allowed for the reasons set out above for the independent claims. Applicants therefore request that the Examiner withdraw this rejection of these claims.

In addition, additional limitations of these dependent claims also distinguish over the cited reference. For example, the cited reference does not disclose: a presence server 30 coupled with a network and operative to autonomously indicate a connection of said electric

meter with said network with the connections characterized by a presence, as claimed in claim 2 and 31; wherein the presences server indicates the presence of the electric in substantially real time, as claimed in claim 3 and 38; wherein the presences server polls the presence of the electric meter using an electronic mail message, as is claimed in claim 12 and 5 36; wherein the presences server receives the presence of the electric meter from the electric meter, as is claimed in claim 4; wherein the instance message server is operative to facilitate communication of data using a third instance message, as claimed in claim 14; wherein the third instant message is sent to a plurality of electric meters each further coupled with the network, as claimed in claim 15 and 33; wherein the third instant message comprises power 10 management data, as claimed in claim 16; wherein the power management data further comprises upgrade data, as claimed in claim 18; wherein the instant message server is located on the electric meter or revenue meter, as claimed in claim 20 and 54; wherein the instant message server is centralized, as claimed in claim 21 and 42; wherein the instant message server is distributed, as claimed in claim 22; wherein the network comprises a 15 publicly accessible communications network, as claimed in claim 24 and 50; wherein the network comprises the Internet, as claimed in claim 26; wherein said electric meter is a revenue meter, as claimed in claim 28; wherein the electric meter is characterized by a presence, the electric meter operative to broadcast said presence, as claimed in claim 29 and 53; wherein an instant message server coupled with the network, as claimed in claim 32; 20 wherein said autonomous indication is further characterized by a status, as claimed in claim 34 and 48; wherein said presence server receives said autonomous indication of said electric meter from said electric meter, as claimed in claim 39; wherein said presence server is located on said electric meter, as claimed in claim 41; wherein an instant message server is coupled to at least one intelligent electronic device and said network, as claimed in claim 55; 25 and wherein said power management data and said power management commands are communicated as instant messages, as claimed in claim 67, and wherein said presence indicates the geographic location of said at least one electric meter, as is claimed in claim 68 and 70.

### III. REJECTIONS UNDER 35 U.S.C. § 103(a)

In the present office action the Examiner did not address the Applicants transversal of the rejection under 35 U.S.C. § 103(a). The Applicants reiterate their response provided in the previous office action and maintain that this rejection is improper in view of

5 35 U.S.C. § 103(c).

Claims 2, 3, 5, 8, 23, 40, 59, 65 and 67 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Butland in view Forth. Applicants further presume that the Examiner intended to also reject dependent claims 69 and 71. The Applicants submit that Forth does not preclude patentability in view of 35 U.S.C. § 103(c):

10 Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

15 Since Forth is assigned to Power Measurement Ltd, the same assignee as the current Application, Forth shall not preclude patentability under 35 U.S.C. § 103. Applicants therefore request that the Examiner withdraw this rejection of Claims 2, 3, 5, 8, 23, 40, 59, 65, 67, 69 and 71.

20 In addition, claims 2, 3, 5, 8, 23, 40, 59, 65, 67, 69 and 71 should be allowed for the reasons set forth above for the independent claims as neither Butland nor Forth disclose that the electric power management architecture contains an instant message server or a presence server wherein the electric meter is operative to autonomously generate an instant message to the instant message sever as claimed in claims 1, 30, 56 and 63, from which claims 2, 3, 5, 8, 25 23, 40, 59, 65, 67, 69 and 71 depend.

For at least these reasons, Claims 2, 3, 5, 8, 23, 40, 59, 65, 67, 69 and 71 are patentable over Butland in view of Forth. Accordingly, Applicants request that the Examiner withdraw this rejection of Claims 2, 3, 5, 8, 23, 40, 59, 65, 67, 69 and 71.

30

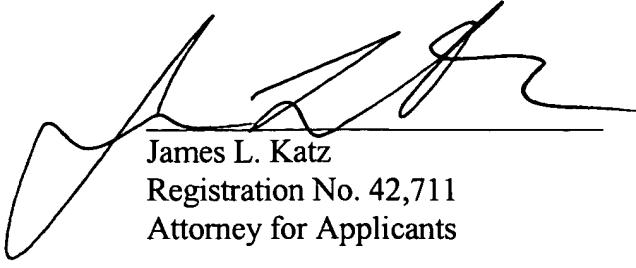
### CONCLUSION

Each of the rejections in the Office Action dated July 14, 2003 has been addressed and no new matter has been added. Applicant submits that all of the pending claims are in

condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

5

  
James L. Katz  
Registration No. 42,711  
Attorney for Applicants

10 BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200